

Fill in this information to identify the case

Debtor 1 Kelly Lynn Cole

Debtor 2 Christopher William Cole  
(Spouse, if filing)

United States Bankruptcy Court for the: SOUTHERN District of OHIO  
(State)

Case number 16-13763

**Official Form 410S1**

Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

**Name of creditor** Federal National Mortgage Association ("Fannie Mae"), by and through its mortgage servicing agent Seterus, Inc., fka IBM Lender Business Process Services, Inc.,

**Court claim no. (if known)** 18

**Last four digits** of any number you use to identify the debtor's account: 3806

**Date of payment change**  
Must be at least 21 days after date of this notice 12/1/2018

**New total payment:**  
Principal, interest, and escrow, if any \$1,192.19

**Part 1:** Escrow Account Payment Adjustment

1. Will there be a change in the debtor's escrow account payment?

- ☐ No
- ☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$456.02 New escrow payment: \$504.09

**Part 2:** Mortgage Payment Adjustment

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

- ☒ No
- ☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_% New interest rate: \_\_\_\_\_%

Current principal and interest payment: \$\_\_\_\_\_ New principal and interest payment: \$\_\_\_\_\_

**Part 3:** Other Payment Change

3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

- ☒ No  
☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. *(Court approval may be required before the payment change can take effect)*

Reason for change: \_\_\_\_\_

Current mortgage payment: \$\_\_\_\_\_ New mortgage payment: \$\_\_\_\_\_

Debtor 1 Kelly Lynn Cole  
First Name Middle Name Last Name

Case number (if known) 16-13763

**Part 4:** Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- ☐ I am the creditor.  
☐ I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.**

**x** /s/ Adam B. Hall Date 10/23/2018  
Signature

Print: Adam B. Hall Title Attorneys for Creditor

Company Manley Deas Kochalski LLC

Address P.O. Box 165028  
Number Street

Columbus, OH 43216-5028  
City State ZIP Code

Contact phone 614-220-5611 Email amps@manleydeas.com

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Payment Change was served **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court:

Office of U.S. Trustee, Southern District of Ohio, Party of Interest, 36 East Seventh Street, Suite 2030, Cincinnati, OH 45202

Margaret A. Burks, 600 Vine Street, Suite 2200, Cincinnati, OH 45202, [cincinnati@cinn13.org](mailto:cincinnati@cinn13.org)

Kathleen D. Mezher, Attorney for Kelly Lynn Cole and Christopher William Cole, 8075 Beechmont Avenue, Cincinnati, OH 45255, [Kathleen@mezherlaw.com](mailto:Kathleen@mezherlaw.com)

and by ordinary U.S. mail on October 23, 2018 addressed to:

Kelly Lynn Cole and Christopher William Cole, 94 Junedale Dr, Cincinnati, OH 45218

Kelly Lynn Cole and Christopher William Cole, 94 Junedale Drive, Cincinnati, OH 45218

/s/ Adam B. Hall  
Adam B. Hall

**RedactedRedacted**

**RedactedRedacted**

KELLY COLE  
c/o KATHLEEN D. MEZHER  
8075 BEECHMONT AVE  
CINCINNATI OH 45255-3139

ESCROW ACCOUNT STATEMENT			
Analysis Date:		10/12/18	
Loan Number:		RedactedRedactedRedacted	
Current Payment		New Payment Effective 12/01/18	
Principal and Interest	\$688 10	Principal and Interest*	\$688 10
Escrow	\$433 71	Escrow	\$466 14
		Escrow Shortage or Deficiency	\$37 95
Total Current Payment	\$1,121 81	Total NEW Payment*	\$1,192 19
* The principal and interest payments reflect the contractual amount due under the note, which can be modified with a mutually agreed upon payment plan. In addition, the new principal and interest payment and the total new payment may not reflect any changes due to interest rate adjustments. You will receive a separate notice for interest rate adjustments.			

**NEW MORTGAGE PAYMENT NOTICE AND ESCROW ACCOUNT DISCLOSURE STATEMENT**

Seterus, Inc. is the servicer of the above referenced loan. In accordance with federal guidelines, your escrow account is reviewed at least once a year to determine if sufficient funds are available to pay your taxes and/or insurance. Your escrow payment will be a minimum of the total anticipated disbursements divided by the number of scheduled installments due in the next 12 months. This payment will increase if you have a post-petition shortage and/or deficiency. This statement provides a history of actual escrow account activity and a projection of the escrow account activity for the next 12 months.

Our records indicate a petition for Bankruptcy was filed on October 6, 2016. Pursuant to that petition, we have filed a proof of claim with the Bankruptcy court. Any shortage and/or deficiency listed under the Proof of Claim section will be excluded from your future scheduled escrow payment as these amounts will be added to your pre-petition arrearage and collected in your bankruptcy plan payment.

ANTICIPATED DISBURSEMENTS		ESCROW ACCOUNT PROJECTIONS FOR THE NEXT 12 MONTH ESCROW CYCLE				
December 2018 to November 2019		Anticipated Activity				
COUNTY	\$3,706 62	Payments to Escrow	Payments from Escrow	Description	Projected Balance	
HAZARD INS	\$1,887 00				\$1,507 41-	
Total Disbursements	\$5,593.62				\$3,751 10	
Bankruptcy File Date October 6, 2016  Pre-Petition Escrow Shortage/Deficiency as of Analysis Date \$5,258 51		Beginning Balance**			\$1,507 41-	
		Post Petition Beg Bal*			\$3,751 10	
		Date				
		12/01/2018	466 14	1,853 31-	COUNTY	2,363 93
		12/01/2018	0 00	1,887 00-	HAZARD INS	476 93
		01/01/2019	466 14	0 00		943 07
		02/01/2019	466 14	0 00		1,409 21
		03/01/2019	466 14	0 00		1,875 35
		04/01/2019	466 14	0 00		2,341 49
		05/01/2019	466 14	0 00		2,807 63
		06/01/2019	466 14	1,853 31-	COUNTY	1,420 46
		07/01/2019	466 14	0 00		1,886 60
		08/01/2019	466 14	0 00		2,352 74
		09/01/2019	466 14	0 00		2,818 88
		10/01/2019	466 14	0 00		3,285 02
11/01/2019	466 14	0 00		3,751 16		
		Total	\$5,593.68	\$5,593.62-		
*Post Petition Beg Bal = The post-petition portion of the escrow starting balance		Under federal law, your lowest monthly balance in the escrow account should not have exceeded \$932 28, or 1/6 of the total anticipated payments from your escrow account Your lowest escrow balance was \$476 93				
		The escrow account has a pre-petition and post-petition shortage and/or deficiency A deficiency, if applicable, is the amount of negative balance in the escrow account, which can occur when funds that have been paid from the escrow account exceed the funds paid to the escrow account An escrow shortage occurs when the escrow balance is not enough to pay the estimated items and any additional reserve deposits that need to be paid during the next 12 months The pre-petition shortage and/or deficiency is accounted for on the POC and will be collected as part of your pre-petition plan payment The projected beginning balance of your escrow account is \$3,751 10 Your required beginning balance according to this analysis should be \$4206 45 This means you have a post-petition shortage and/or deficiency of \$455 35 For your convenience, we have spread this post-petition shortage and/or deficiency over the next 12 installments and included this amount in your escrow payment				
**Beginning balance = Starting balance less any unpaid escrow disbursements						
The Real Estate Settlement Procedures Act (RESPA) allows us to collect and maintain up to 1/6 of your total disbursements in your escrow account at all times, unless prohibited by state law This cushion covers any potential increases in your tax and/or insurance disbursements Cushion selected by servicer: \$932 28						

This is a statement of actual activity in your escrow account from December 2017 to November 2018. This history compares the projections from your last escrow analysis or initial disclosure and the actual activity in your account. If a prior escrow analysis was not conducted during this historical period, the projected escrow balance will be zero.

ACTUAL ESCROW ACCOUNT HISTORY							
	Payments to Escrow		Payments from Escrow		Description	Escrow Balance	
	Projected	Actual	Projected	Actual		Projected	Actual
Beginning Balance						\$4,058.30	\$11,074.57-
Date							
12/01/17	443.78	0.00*	1,749.72-	0.00*	COUNTY	2,752.36	11,074.57-
12/01/17	0.00	0.00	1,864.80-	1,887.00-*	HAZARD INS	887.56	12,961.57-
01/01/18	443.78	1,044.22*	0.00	1,892.21-*	COUNTY	1,331.34	13,809.56-
02/01/18	443.78	1,566.33*	0.00	0.00		1,775.12	12,243.23-
03/01/18	443.78	1,044.95*	0.00	0.00		2,218.90	11,198.28-
04/01/18	443.78	867.42*	0.00	0.00		2,662.68	10,330.86-
05/01/18	443.78	433.71*	0.00	1,853.31-*	COUNTY	3,106.46	11,750.46-
06/01/18	443.78	1,301.13*	1,710.82-	0.00*	COUNTY	1,839.42	10,449.33-
07/01/18	443.78	0.00*	0.00	0.00		2,283.20	10,449.33-
08/01/18	443.78	0.00*	0.00	0.00		2,726.98	10,449.33-
09/01/18	443.78	867.42*	0.00	0.00		3,170.76	9,581.91-
10/01/18	443.78	7,618.48*	0.00	0.00		3,614.54	1,963.43-
11/01/18	443.78	0.00*	0.00	0.00		4,058.32	1,963.43-
<b>Total</b>	<b>\$5,325.36</b>	<b>\$14,743.66</b>	<b>\$5,325.34-</b>	<b>\$5,632.52-</b>			
* indicates a difference from a previous estimate either in the date or the amount							
** indicates escrow payment made during a period where the loan was paid ahead							
<b>NOTE</b> – This analysis was prepared in advance of the escrow payment change date. Therefore, the projected beginning balance for the next 12 months estimates that you have paid all the required scheduled installments as shown in your actual account history and that all scheduled disbursements have been made from your escrow account.							

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT. THIS NOTICE IS BEING FURNISHED FOR YOUR INFORMATION AND TO COMPLY WITH APPLICABLE LAWS AND REGULATIONS. IF YOU RECEIVE OR HAVE RECEIVED A DISCHARGE OF THIS DEBT THAT IS NOT REAFFIRMED IN A BANKRUPTCY PROCEEDING, YOU WILL NOT BE PERSONALLY RESPONSIBLE FOR THE DEBT. **COLORADO:** SEE [WWW.COAG.GOV/CAR](http://WWW.COAG.GOV/CAR) FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT. Seterus, Inc. maintains a local office at 355 Union Boulevard, Suite 250, Lakewood, CO 80228. The office's phone number is 888.738.5576. **NEW YORK CITY:** 1411669, 1411665, 1411662. **TENNESSEE:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Seterus, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR 97005.